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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,969	12/30/2003	Angel Stoyanov	25340	8812

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EXAMINER	
GIBSON, KESHIA L	
ART UNIT	**PAPER NUMBER**
3761	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/748,969	STOYANOV ET AL.	
	Examiner	Art Unit	
	Keshia Gibson	3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-20 is/are rejected.

7)☒ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 5/3/05 have been fully considered but they are not persuasive. Applicant has argued:

1) Daniel et al. do not teach reacting cellulosic fibers with an effective amount of a crosslinking agent in the presence of an effective amount of a C4-C12 polyol. However, as discussed in the previous Office Action, Daniel et al. disclose reacting cellulosic fibers with a crosslinking agent and a C1-C14 alcohol or polyol. Applicant has also emphasized that the polyol is first reacted the crosslinker first. However, Daniel further discloses that the crosslinking of these materials can be done simultaneously (page 6, line 43-page 7, line 8).

2) Daniel et al. disclose a *brightness value of the polymer of the invention* of 82. This emphasis is noted and considered addressed in the discussion of the rejection of Claim 1 below.

3) The fibrous materials made with the formulation according to the invention are suitable for use in absorbent articles. Adult incontinence products, feminine hygiene products, tissues, and towels are all considered to be absorbent products.

4) Unlike Daniel et al., the crosslinking agent and polyol of the claimed invention are separate compounds. However, these materials would be separate prior to simultaneous crosslinking. Moreover, the materials disclosed by Daniel et al. are can be considered separate at some point prior to any combination of crosslinking.

Furthermore, the applicant has not claimed the elements as being separate compounds, just that they are reacted in the presence of each other.

5) Daniel et al. do not disclose a crosslinking agent with a polyol. Again, as discussed earlier, Daniel et al. do indeed disclose reacting cellulosic fibers with a crosslinking agent and a C1-C14 alcohol or polyol.

6) Examiner's statement that the claimed invention does not provide substantial support for the use of the claimed groups of polyols is not accurate due to the presence of Table 1 on page 12 of the disclosure. Examiner acknowledges this table, however, still considers that the selection of any of these materials would have been obvious to one of ordinary skill in the art.

7) There is no motivation to combine the Langerstedt-Eidrup with the Daniel et al. However, Examiner maintains that it is known to provide cellulosic fluff pulp fibers with superabsorbent particles, as supported by Langerstedt-Eidrup.

8) Applicant appreciates that Claims 2-4 would be allowable if rewritten in independent form. Examiner notes applicant's appreciation.

Claim Rejections - 35 USC § 103

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-4, 14, and 17-20 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Daniel et al (WO 02/100912 A1).

In regard to Claim 1, Daniel et al. disclose an absorbent product comprising cellulosic fibers (page 3, line 44-page 4, line 9) with a crosslinking agent and a C1-C14 alcohol or polyol (page 6, line 44-page 7, line 8). Daniel et al. do not expressly disclose that the [resulting] crosslinked cellulosic fibers are characterized by a Whiteness Index greater than about 69.0. However, Daniel et al. do disclose that the polymer (crosslinker) of the invention is characterized by a Whiteness Index greater than 75, and further discloses that it is an object of the invention to provide a polymeric reagent (crosslinker) that crosslinks cellulosic fibers with much reduced chemical damage (page 6, line 43-page 7, line 2; page 7, lines 36-41; page 2, lines 44-46).

When the structure or composition recited in the reference is substantially identical to that of the claims of the instant invention, claimed properties or functions presumed to be inherent (MPEP 2112-2112.01). A prima facie case of either anticipation or obviousness has been established when the reference discloses all the limitations of a claim (in this case, cellulosic fibers reacted with a crosslinker and a polyol) except for a

property or function (in the present case, the [resulting] individualized intrafiber crosslinked cellulosic fibers are characterized by a Whiteness Index greater than about 69.0) and the examiner can not determine whether or not the reference inherently possesses properties that anticipate or render obvious the claimed invention but has a basis for shifting the burden of proof.

In regard to Claims 2-4, Daniel et al. do not expressly disclose a specific range for the L value, a value, b value, and percent ISO brightness of the [resulting] individualized intrafiber crosslinked cellulosic fibers. However, as discussed for Claim 1, when the structure or composition recited in the reference is substantially identical to that of the claims of the instant invention, claimed properties or functions presumed to be inherent (MPEP 2112-2112.01). A prima facie case of either anticipation or obviousness has been established when the reference discloses all the limitations of a claim (in this case, cellulosic fibers reacted with a crosslinker and a polyol) except for a property or function (in the present case, the [resulting] individualized intrafiber crosslinked cellulosic fibers are characterized by a Whiteness Index greater than about 69.0) and the examiner can not determine whether or not the reference inherently possesses properties that anticipate or render obvious the claimed invention but has a basis for shifting the burden of proof.

In regard to Claim 14, Daniel et al. do not expressly disclose a brightness of greater than 82.

In regard to Claim 17-20, Daniel et al. disclose that the absorbent article is to be used in disposable absorbent products (page 1, lines 9-11).

5. Claims 5-8 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniel et al (WO 02/100912 A1).

In regard to Claims 5-8, Daniel et al. disclose the claimed invention (including the use of a crosslinking agent with a polyol), but do not disclose the use of the group of crosslinking agents further specified by the claimed invention. However, again, Daniel et al. do disclose use of a crosslinking agent that is reacted with polyol and also reduces the amount of discoloration that occurs due to crosslinking. It would have been obvious to one of ordinary skill in the art to select a crosslinking agent from the group disclosed by the claimed invention since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

In regard to Claims 9-13, Daniel et al. disclose the claimed invention (including the use of a crosslinking agent with a polyol), but do not disclose the use of the group of polyols specified by the claimed invention. However, again, Daniel et al. do disclose selecting a C1-C14 polyol for crosslinking cellulosic fibers while reducing the amount of discoloration that occurs due to crosslinking. It would have been obvious to one of ordinary skill in the art to select a crosslinking agent from the group disclosed by the claimed invention since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

6. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniel et al. in view of Lagerstedt-Eidrup et al. (US PG Pub. 2003/0208173 A1).

In regard to Claims 15-16, Daniel et al. disclose the claimed invention except for a product comprising fluff pulp fibers and/or superabsorbent material. Lagerstedt-Eidrup et al. disclose that it is common for an absorbent body to comprise cellulosic fluff pulp fibers and superabsorbent material ([0022]). Thus, as supported by Lagerstedt-Eidrup et al., it would have been obvious to one of ordinary skill in the art to use cellulosic fluff pulp fibers and/or superabsorbents within an absorbent product because it is known to combine cellulosic fibers and superabsorbent material.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keshia Gibson whose telephone number is (571) 272-7136. The examiner can normally be reached on M-F 8:30 a.m. - 6 p.m., out every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keshia Gibson
Examiner, Art Unit 3761
klg 7/9/05

TATYANA ZALUKAEVA
PRIMARY EXAMINER